

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

VIRGINIA WOLF, *et al.*,

Plaintiffs,

v.

Case No. 14-C-00064-BBC

SCOTT WALKER, *et al.*,

Defendants.

**DECLARATION OF ANNE L. CLARK IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEY FEES**

ANNE L. CLARK, under penalty of perjury, affirms and states as follows:

1. I am a member of the firm Vladeck, Waldman, Elias & Engelhard, P.C. (the "Vladeck Firm"). I submit this declaration in support of the motion filed by the Plaintiffs for an award of attorney fees and costs arising from the work performed by attorneys, paralegals, and other support staff at the American Civil Liberties Union ("ACLU") Foundation, the ACLU of Wisconsin Foundation, and Mayer Brown LLP in preparing, filing, and litigating the above-captioned case.

1. The Vladeck Firm concentrates in representing individuals in employment related matters, and has successfully represented employees in numerous employment litigations and arbitrations. See, e.g., Merino v. Beverage Plus Am. Corp., No. 10 Civ. 0706, 2014 WL 1744728 (S.D.N.Y. Mar. 6, 2014) (\$1.29 million judgment); Redd v. New York Div. of Parole, 678 F.3d 166 (2d Cir. 2012) (reinstating sexual harassment claims); DeCurtis v. Upward Bound Int'l, Inc., No. 09 Civ. 5378, 2012 WL 4561127 (S.D.N.Y. Sept. 27, 2012), aff'd sub nom. De

Curtis v. Ferrandina, 529 F. App'x 85 (2d Cir. 2013) (affirming default judgment of \$845,309.11); Davis v. Abercrombie & Fitch Co., No. 08 Civ. 01859 (S.D.N.Y. October 2009); Sotak v. McGraw-Hill Companies, Inc., 07 Civ. 2698 (S.D.N.Y. trial January 2009); Zakre v. Norddeutsche Landesbank Girozentrale, 541 F. Supp. 2d 555 (S.D.N.Y. 2008), aff'd, 344 F. App'x 628 (2d Cir. 2009); Browne-Sanders v. Madison Square Garden, L.P., et al., No. 06 Civ. 0589 (S.D.N.Y. trial Sept.- Oct. 2007); Pappas v. Watson Wyatt & Co., No. 3:04-CV-304, 2008 WL 793597 (D. Conn. Mar. 20, 2008); Sandhaus v. McCann Erickson, Inc., No. 03 Civ. 6743 (S.D.N.Y. trial August 2005); Fitzgerald v. Ford Marrin Esposito Witmeyer & Gleser, L.L.P., No. 01-7256, 01-7322, 2002 WL 313225 (2d Cir. Feb. 27, 2002) (reinstating jury verdict in plaintiff's favor); Lawrence E. Lewis v. Communicar, Inc., No. 99 CV 609 (E.D.N.Y. trial December 2001); Ginsberg v. Valhalla Anesthesia Assocs., P.C., No. 96 Civ. 6462, 1997 WL 669870 (S.D.N.Y. Oct. 28, 1997); Mahoney v. Canada Dry Bottling Co. of New York, No. 94 Civ. 2924, 1998 WL 231082 (E.D.N.Y. May 7, 1998); DeGaetano v. Smith Barney, Inc., 983 F. Supp. 459 (S.D.N.Y. 1997); Dailey v. Société Générale, 915 F. Supp. 1315 (S.D.N.Y. 1996), aff'd in part and vacated in part, 108 F.3d 451 (2d Cir. 1997); McIntosh v. Irving Trust Co., 873 F. Supp. 872 (S.D.N.Y. 1995); Malarkey v. Texaco, Inc., 794 F. Supp. 1237 (S.D.N.Y. 1992), aff'd, 983 F.2d 1204 (2d Cir. 1993); Pierce v. F.R. Tripler & Co., 770 F. Supp. 118 (S.D.N.Y. 1991), aff'd in relevant part and rev'd in part, 955 F.2d 820 (2d Cir. 1992); Wulach v. Bear, Stearns & Co., No. 86 Civ. 5644, 1988 WL 123632 (S.D.N.Y. Nov. 8, 1988); Whittlesey v. Union Carbide Corp., 742 F.2d 724 (2d Cir. 1984); Plummer v. Chem. Bank, 579 F. Supp. 1364 (S.D.N.Y. 1984); Melani v. Bd. of Higher Educ. of New York, 561 F. Supp. 769 (S.D.N.Y. 1983); Lo Re v. Chase Manhattan Corp., 431 F. Supp. 189 (S.D.N.Y. 1977). See also County of Suffolk v. Long Island Lighting Co. ("LILCO"), 710 F. Supp. 1407 (E.D.N.Y. 1989) (civil RICO, fraud case)

aff'd, 907 F.2d 1295 (2d Cir. 1990); County of Suffolk v. Acorn, 710 F. Supp. 1428 (E.D.N.Y. 1989), aff'd in part and rev'd in part, 907 F.2d 1295 (2d Cir. 1990). In LILCO, Judge Weinstein described the firm as "of excellent quality." 710 F. Supp. at 1412.

2. The Vladeck Firm charges \$450-\$750 per hour for partners. The Vladeck Firm has charged \$700 per hour for my time since the beginning of 2012. The firm typically bills clients on an hourly basis and clients of the Vladeck Firm routinely pay my hourly rate.

3. I became associated with the Vladeck Firm in September 1993 and became a partner in January 1997. I graduated from New York University in 1985 and received my J.D. from New York University School of Law in 1990. Before my association with the Vladeck Firm, I was a law clerk for the Honorable Raymond J. Pettine in the United States District Court for the District of Rhode Island. After my clerkship, I worked for two years as a Skadden Fellow/staff attorney at the NOW Legal Defense and Education Fund ("NOW LDEF"). At NOW LDEF, I worked on the Eleventh Circuit appeal of Robinson v. Jacksonville Shipyards, Inc., 760 F. Supp. 1486 (M.D. Fla. 1991); served as lead counsel and argued the appeal of Townsend v. Indiana Univ., 995 F.2d 691 (7th Cir. 1993); and submitted an amicus curiae brief to the Supreme Court on Harris v. Forklift Sys., Inc., 510 U.S. 17 (1993).

4. Since becoming associated with the Vladeck Firm, I have served as lead counsel and co-counsel for plaintiffs in many employment law matters in federal court, including serving as lead counsel in the trials of Delville v. Firmenich Inc., No. 08 Civ. 10891 (S.D.N.Y. trial November 2013); Zakre, No. 03 Civ. 257 (S.D.N.Y. trial April 2007); Pappas, 2008 WL 793597 (D. Ct. trial December 2006); Sandhaus, No. 03 Civ. 6743 (S.D.N.Y. trial August 2005); Kreinik v. Showbran Photo, Inc., No. 02 Civ. 1172 (S.D.N.Y. trial October 2004); Riisna v. Am. Broad. Cos., 219 F. Supp. 2d 568 (S.D.N.Y. trial February 2003); and Mahoney, 94 Civ. 2924; and as co-counsel

in the trials of Fitzgerald, 2002 WL 313225; Ginsberg, 1997 WL 669870; and Antreassian v. Chem. Bank, 93 Civ. 6812 (trial June 1996). I have also been lead counsel in employment arbitrations before the American Arbitration Association and lead counsel and co-counsel in employment arbitrations before FINRA and its predecessors, the New York Stock Exchange and National Association of Securities Dealers.

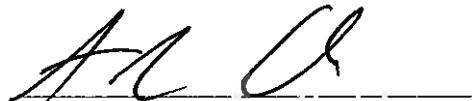
5. For over a dozen years, I was an adjunct professor at Fordham University School of Law, where I co-taught "Women and the Law" and then "Employment Discrimination," and have guest-lectured at New York University School of Law, Cardozo Law School, New York Law School, Rutgers University School of Law, and John Jay College. I was on the Executive Board of the National Employment Lawyers Association/New York and have spoken about employment law to numerous organizations, including the American Bar Association, the Institute of Judicial Administration/Center for Labor and Employment Law at New York University School of Law, the New York State Bar Association, the Practicing Law Institute, and the Pro Se Mediation Program at the U.S. District Court for the Southern District of New York.

6. I worked with James Esseks ("Esseks") at the Vladeck Firm from 1993 until 2001, including trying the Mahoney case with him. Even when I did not directly work with him on cases, I was familiar with his work. His legal work was always outstanding. Since Esseks left the Vladeck Firm to join the ACLU, I have followed a number of the cases he has worked on, and have continued to be impressed by his work and accomplishments. I have also reviewed his Declaration in support the motion for attorneys' fees, which details his experience. I have no doubt that were Esseks still employed at the Vladeck Firm, his billing rate would be \$700 per hour and clients would be willing to pay that rate.

7. The Vladeck firm has been awarded \$700 per hour for the time of Vladeck

partners who now bill at \$750 for certain matters, see e.g., Merino v. Beverage Plus Am. Corp., No. 10 Civ. 0706 (ALC), 2012 WL 4468182, at *3 (S.D.N.Y. Sept. 25, 2012) (approving rate of \$700 for senior Vladeck partner who now bills at \$700-750 and \$450 for Vladeck partner less experienced than Esseks); and has been awarded \$600 and \$550 for Vladeck partners who are less experienced than Esseks, see, e.g., Gualpa v. NY Pro Signs, Inc., No. 11 Civ. 3133 (LGS)(FM), 2014 WL 2200393, at *9 (S.D.N.Y. May 27, 2014) (approving rate of \$600 for Vladeck partner less-experienced than Esseks); DeCurtis v. Upward Bound Int'l, Inc., No. 09 Civ. 5378 (RJS), 2013 WL 3270357, at *6 (S.D.N.Y. June 3, 2013) (using rate of \$600 for Vladeck partner less-experienced than Esseks); DeCurtis, 2011 WL 4549412, at *7-8 (S.D.N.Y. Sept. 27, 2011) (approving rate of \$550 for a Vladeck partner less-experienced than Esseks).

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 10, 2014, in New York, New York.


ANNE L. CLARK